

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

Telephone Number Portability)

CC Docket No. 95-116)

Reply Comments of Motorola, Inc.

Motorola, Inc. ("Motorola") hereby submits this reply to the opening comments filed in response to the Cellular Telecommunications Industry Association's ("CTIA's") request for extension of the June 30, 1999, service provider portability deadline currently applicable to cellular, broadband PCS, and "covered SMR" carriers.¹ As discussed in detail below, Motorola agrees with CTIA – and with the vast majority of the commenting parties – that the technical complexities faced by the wireless industry in attempting to facilitate service provider number portability render compliance with the June 30, 1999, deadline impossible. Accordingly, Motorola supports CTIA's extension request.

I. The Vast Majority Of The Commenting Parties Agree With CTIA That Extension Of The June 30, 1999, Service Provider Number Portability Implementation Date Is Necessary And Appropriate

In its request for extension, CTIA notes that the wireless industry has been working on a plan for overcoming the technical and operational impediments to number portability since

¹ Petition for Extension of Implementation Deadlines of the Cellular Telecommunications Industry Association, CC Docket No. 95-116 (filed Nov. 24, 1997) [hereinafter *CTIA Petition*]. See also Wireless Telecommunications Bureau Seeks Comment on CTIA Petition for Waiver to Extend the Implementation of Wireless Number Portability, Public Notice, DA 97-2579 (Dec. 9, 1997).

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before the FCC's implementation deadlines were established.² CTIA also indicates, however, that this process has "proven more complex than originally anticipated."³ As a result, CTIA stresses, it is now apparent that "the industry cannot meet the June 30, 1999, deadline for service provider number portability."⁴

Specifically, CTIA notes that the industry is still in the process of developing standards necessary to permit CMRS carriers to operate efficiently and consistently in a network environment that will support service provider number portability.⁵ CTIA also points out that, after the necessary standards have been developed, extensive testing will be required before individual carriers can make the requisite modifications to their systems. Furthermore, CTIA notes, "a series of important issues concerning standards, nationwide roaming, and customer service/back office support remain unresolved."⁶ In view of the remaining tasks before the industry and the amount of time required to perform them effectively, CTIA asks the Wireless

² *CTIA Petition*, at 2.

³ *Id.*

⁴ *Id.*, at 4. The Commission's existing number portability implementation schedule requires all cellular, broadband PCS, and covered SMR carriers to have the capability of querying the appropriate number portability database systems in order to deliver calls from their networks to ported numbers anywhere in the country by December 31, 1998. Wireless carriers may implement the upgrades necessary to accomplish the queries themselves or they may make arrangements with other carriers to provide that capability. In addition, wireless carriers subject to the number portability obligations are required to offer service provider portability (*i.e.*, to permit end users to retain the same telephone numbers as they change from one service provider to another) throughout their networks, including the ability to support roaming, by June 30, 1999. *See Telephone Number Portability*, 12 FCC Rcd 7236, 7309 (1997) (First Memorandum Opinion and Order on Reconsideration).

⁵ *CTIA Petition*, at 4.

⁶ *Id.*, at 4-5.

Telecommunications Bureau (“Bureau”) to exercise its discretion to extend the June 30, 1999, service provider number portability deadline until March 31, 2000.⁷

Almost unanimously, the commenters responding to CTIA’s petition echo CTIA’s statement of the issues and support its request for extension of the existing service provider portability deadline.⁸ As a participant in the number portability standard-setting process and an affected equipment manufacturer, Motorola similarly concurs in CTIA’s description of the complications surrounding wireless service provider number portability, and shares CTIA’s view that, given the amount of time necessary to implement an effective solution, the wireless industry will not be able to meet the Commission’s June 30, 1999, implementation date.

In particular, Motorola agrees that numerous technical and operational issues, including the need for the development of standards and the resolution of questions concerning roaming, database access, customer service and related matters, must be addressed before equipment

⁷ *Id.*, at 4. As pointed out by CTIA, in the *First Memorandum Opinion and Order on Reconsideration* in the *Telephone Number Portability* proceeding, the Commission noted that the “wireless industry faces special technical challenges” in developing a method for number portability, and stated that, “[i]f it becomes apparent that the wireless industry is not progressing as quickly as necessary to meet the deadlines for providing querying capability and service provider portability, the Wireless Telecommunications Bureau Chief may waive or stay the implementation dates for a period of up to nine months.” *Telephone Number Portability*, 12 FCC Rcd at 7312.

⁸ *See generally, e.g.*, Comments of AirTouch Communications, Inc. (“AirTouch”); Comments of AT&T Wireless Services, Inc. (“AT&T Wireless”); Comments of BellSouth Corporation (“BellSouth”); Comments of GTE Service Corporation (“GTE”); Comments of Mobex Communications, Inc. (“Mobex”); Comments of PrimeCo Personal Communications, L.P. (“PrimeCo”); Comments of The Rural Telecommunications Group (“RTG”); Comments of Sprint Spectrum L.P. d/b/a Sprint PCS (“Sprint PCS”); Comments of Southern Company (“Southern”); Comments of Southwestern Bell Mobile Systems, Inc., and Pacific Bell Mobile Services (collectively “SBMS”); Comments of United States Cellular Corporation (“USCC”); Comments of 360° Communications Company (“360°”).

manufacturers can proceed with the development of products required to facilitate wireless number portability. As noted by AirTouch and GTE, national standards essential to wireless number portability are not expected to be finalized until later this year.⁹ AirTouch also points out that, “[i]t is only after these standards are finalized that vendors are able to commence design, engineering, and manufacture work necessary to develop number portability solutions – a process which ordinarily takes a minimum of 18-24 months from the completion of standards.”¹⁰ Motorola agrees with this projected time-frame and concurs with AirTouch, CTIA, and other commenters who stress that, after standard-compliant modifications are made available, additional time will be needed to allow vendors and carriers to test the new products before service providers will be willing to make necessary system modifications. As such, even under a best case scenario, the June 30, 1999, deadline does not appear attainable.

Furthermore, as CTIA notes, CMRS providers are dependent on the implementation of wireline number portability to develop compatible systems between wireless and wireline carriers.¹¹ Consequently, until wireline number portability requirements are established, the wireless industry cannot complete certain final provisions that are critical in order for wireless carriers to offer number portability.¹² As of the date of this filing, wireline number portability

⁹ See Comments of AirTouch, at 2; Comments of GTE, at 6.

¹⁰ Comments of AirTouch, at 2. See also Comments of GTE, at 6 (noting that TR-45.2 hopes to put a standard document including only functionalities needed for service provider portability to a vote in May of 1998, and indicating that, at best, it takes vendors 18-24 months to implement a standardized capability, which means that vendor equipment for CMRS number portability will not be available until November of 1999, at the earliest).

¹¹ CTIA Petition, at 3.

¹² *Id.*

requirements have not been fully resolved. Given the existence of this and other factors likely to complicate the efforts of the wireless industry to implement service provider number portability, Motorola fully supports CTIA's request that the Bureau exercise its discretion to extend the deadline by nine months, to March 31, 2000.¹³

II. Motorola Agrees With AMTA That The Definition Of "Covered SMR Providers" Should Be Revised Expeditiously

In its comments, the American Mobile Telecommunications Association, Inc. ("AMTA"), notes that several requests for reconsideration of the definition of "covered SMR providers" adopted by the Commission in the *Telephone Number Portability First Report and Order and Further Notice of Proposed Rule Making*¹⁴ remain pending.¹⁵ AMTA reiterates its request, expressed in various pleadings, that the Commission revise the definition of "covered SMRs" in the number portability context to recognize more appropriately the limitations of traditional SMR operators. In particular, AMTA suggests that the Commission adopt a definition of "covered SMR providers" identical to that recently formulated in the E911 proceeding. AMTA also requests that the time period for SMR licensees to meet their number

¹³ Although hopefully this will not be the case, several commenters note that further revisions of the implementation scheme for wireless number portability may ultimately prove necessary. See, e.g., Comments of AirTouch, at 5; Comments of SBMS, at 3.

¹⁴ *Telephone Number Portability*, 11 FCC Rcd 8352, 8433 (1996) (First Report and Order and Further Notice of Proposed Rule Making).

¹⁵ Comments of the American Mobile Telecommunications Association, Inc. ("AMTA"), at 3.

portability obligations be tolled until a decision addressing these definitional questions has been reached.¹⁶

As outlined in its May 19, 1997, *ex parte* letter filed in this docket, Motorola agrees that the existing definition of “covered SMR providers” is overly broad and encompasses many traditional SMR operators that lack the technical capability to perform number portability and whose users do not require this functionality.¹⁷ Motorola also explained in its *ex parte* letter that requiring these operators to provide number portability will not further the policy goals that the Commission hopes to achieve through the imposition of number portability obligations – namely, to promote competition between providers of local telephone services – because traditional SMR operators do not compete in the market for the provision of local telephone services and their users do not expect or need to “port” numbers associated with the SMR system. Motorola agrees with AMTA that the definition of “covered SMR providers” recently adopted in the E911 proceeding more appropriately accomplishes the Commission’s goals. Accordingly, Motorola joins in AMTA’s request that the Commission revise the definition of “covered SMR providers” adopted in the *Telephone Number Portability First Report and Order and Further Notice of Propose Rule Making* and adopt instead a definition consistent with the one developed in the E911 context.¹⁸

¹⁶ *Id.*

¹⁷ See Letter from Mary E. Brooner, Motorola, Inc., to David Furth, Chief, Commercial Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, CC Docket No. 95-116 (dated May 19, 1997).

¹⁸ See also Comments of Mobex, at 4-7 (urging the Commission to revise the definition of “covered SMR providers” established in the number portability context in a manner similar to the definition recently adopted in the E911 context).

III. Conclusion

For the reasons set forth above, Motorola supports CTIA's request for extension of the June 30, 1999, service provider number portability deadline applicable to CMRS carriers. The record clearly demonstrates that, despite the industry's diligent efforts, compliance with the existing deadline is simply not feasible. Motorola also takes this opportunity to join AMTA in urging the Commission promptly to address the pending requests for revision of the definition of "covered SMR providers" in the number portability context.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Robin Walker, hereby certify that on this 26th day of January, 1998, a true copy of the attached "Reply Comments of Motorola, Inc." has been served, via first class postage prepaid mail, on the following persons:

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